

31. (Twice Amended) A semiconductor structure having a trench, comprising:

a trench filler material that fills the trench;

at least a portion of a second material deposited on the trench filler material and

the structure;

wherein the second material is annealed at a temperature of at least 900°C; and

wherein the etch rate of the second material is less than 1.2 times the etch rate of the trench filler material.

### Remarks

Applicants thank the Examiner for his careful consideration of Applicants' claims. In response to the Examiner's observations and rejections, Applicants have made the following amendments to further clarify the subject matter claimed and to put the case in condition for allowance.

Claims 26-31, 33 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fazan, et al. (U.S. Patent No. 5,433,794).

Applicants have amended independent claim 26 to include limitations "..., the trench filler material having an etch rate that is less than 1.2 times the first etch rate" and "the first material and trench filler material etched simultaneously across the trench." Support for these amendments may be found in Applicants' specification on page 6, line 26, and on page 7, starting on line 23 respectively.

Fazan, et al. does not anticipate or otherwise suggest the limitations of claim 26, as now amended.

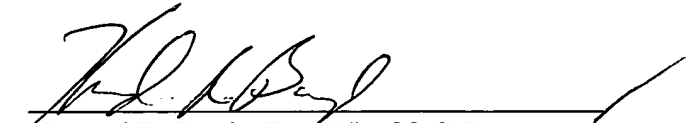
Claim 31 has been amended to specify the second material is annealed at a temperature of at least 900°C. Additionally, claim 31 has been amended to include the limitation that the etch rate of the second material has an etch rate less than 1.2 times the etch rate of the trench filler material. Support for these amendments may be found in Applicants' specification on page 9, line 21 and on page 6, line 26 respectively. These limitations are not anticipated or suggested by the Fazan, et al. reference.

Applicants believe that the claims, as now amended, are patentable over the Fazan, et al. reference and in condition for allowance. Applicants respectfully request the Examiner to pass the case to issue.

In view of these amendments and remarks, reconsideration of the rejection is respectfully requested.

Respectfully submitted,

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## APPENDIX

26. (Amended) A semiconductor structure, comprising:
- a support;
  - a first material deposited on said support, the first material having a first etch rate;
  - a trench formed through the first material and into the support; [and]
  - a trench filler material deposited in the trench, the trench filler material having an etch rate that is less than 1.2 times the first etch rate; and
  - wherein the first material and the trench filler material are etched simultaneously across the trench [substantially similar to or less than the first etch rate].
31. (Twice Amended) A semiconductor structure having a trench, comprising:
- a trench filler material that fills the trench;
  - at least a portion of a second material deposited on the trench filler material and the structure;
  - wherein the second material is annealed at a temperature of at least 900°C; and
  - wherein the etch rate of the second material is less than 1.2 times [substantially similar to or less than] the etch rate of the trench filler [first] material.

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